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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID SLACK, et al,

Plaintiffs,

vs.

RUSSELL BURNS, et al.,

Defendants.

Case No.: 3:13-cv-05001-EMC

CLASS ACTION

**STIPULATION AND ~~PROPOSED~~ ORDER
TO CONTINUE EXPERT WITNESS
DISCOVERY DEADLINES**

1 TO THE COURT, TO ALL PARTIES AND TO THEIR COUNSEL OF RECORD:

2 This Stipulation is entered into by and between Plaintiffs David Slack, John Jarboe, Ken
3 Bettis, Kenny Mendoza and Clyde Eli (“Plaintiffs”) and Defendants Russell E. Burns, Dan Reding,
4 Carl Goff, Kevin J. Albanese, F.G. Crosthwaite, Thomas Holsman, John M. Humber, and Richard
5 Piombo (“Defendants”) (Plaintiffs and Defendants are the “Parties”). The Stipulation is entered into
6 based upon the following facts:

7 A. On October 20, 2014, Plaintiffs filed their Second Amended Complaint (“SAC”). (Dkts.
8 176, 179.)

9 B. On March 16, 2015, the Court issued its Order Granting in Part and Denying in Part
10 Defendants’ Motion to Dismiss the SAC. (Dkt. 199.)

11 C. Defendants filed Answers to the SAC on April 30, 2015. (Dkts. 208 and 209.)

12 D. The Court held a Case Management Conference on April 2, 2015. On April 3, 2015, the
13 Court issued a Case Management Order. (Dkt. 207.) The Case Management Order
14 presently specifies that the non-expert discovery cut-off is April 14, 2016. The Case
15 Management Order also specifies that opening expert reports are to be exchanged on
16 April 14, 2016, rebuttal reports are to be exchanged on May 5, 2016, and expert discovery
17 is to be concluded on May 26, 2016.

18 E. The Parties have conducted substantial discovery in this matter, including depositions of
19 the Parties and third-parties. The Parties have exchanged many thousands of pages of
20 documents and responses to written discovery. Third-party entities have also produced
21 thousands of pages of documents. Additional depositions of third-party witnesses are
22 scheduled for April 11, 2016 and April 12, 2016, in New York.

23 F. After conferring about the fact that opening expert reports are due on April 14, 2016,
24 which is also the non-expert discovery cut-off date, the Parties have agreed that
25 continuing all of the expert discovery dates approximately 30 days would reduce the
26 likelihood that non-expert evidence would remain unsettled after the opening expert
27 report is due. This continuance will not impact any of the remaining pre-trial dates or the
28 trial date.

Therefore, Plaintiffs and the Defendants stipulate as follows, subject to Court approval:

1. The expert opening report due date will be continued from April 14, 2016 to May 16, 2016.
2. The expert rebuttal report due date will be continued from May 5, 2016 to June 6, 2016.
3. The expert discovery cut-off will be continued from May 26, 2016 to June 24, 2016.
4. All other dates and deadlines shall remain the same.
5. This stipulated continuance is without prejudice to any subsequent request by a Party to adjust any deadline or further stipulations by the Parties to modify any deadline.

Dated: March 22, 2016

BERNS WEISS LLP

By: /s/ H. Scott Leviant

Jeffrey K. Berns
Lee A. Weiss
H. Scott Leviant
Albert G. Lum

LAW OFFICES OF J. MARK MOORE

J. Mark Moore

Attorneys for Plaintiffs

Dated: March 22, 2016

LAW OFFICE OF KENNETH C. ABSALOM

By: /s/ Kenneth C. Absalom, by permission

Kenneth C. Absalom
George R. Nemiroff
Attorneys for Defendants Russell E Burns, Dan Reding, and Carl Goff

Dated: March 22, 2016

COX, CASTLE & NICHOLSON LLP

By: /s/ Dwayne McKenzie, by permission

Dwayne McKenzie
Attorneys for Defendants Kevin J. Albanese, F.G. Crosthwaite, Thomas Holsman, John M. Humber, Richard Piombo

ECF CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to the document.

Dated: March 22, 2016

By: /s/ H. Scott Leviant

H. Scott Leviant

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ORDER

Pursuant to the foregoing Stipulation of counsel and for good cause shown, IT IS HEREBY ORDERED that:

1. The expert opening report due date is continued from April 14, 2016 to May 16, 2016.
2. The expert rebuttal report due date is continued from May 5, 2016 to June 6, 2016.
3. The expert discovery cut-off is continued from May 26, 2016 to June 24, 2016.
4. No other dates or deadlines are changed by this Order.
5. This stipulated continuance is without prejudice to any subsequent request by a Party to adjust any deadline or further stipulations by the Parties to modify any deadline.

IT IS SO ORDERED.

Dated: 3/23, 2016

